

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EMIR FETAI, individually and on behalf of
all others similarly situated

Plaintiff,

v.

Case No. 18-cv-1071-pp

MRS BPO LLC and CLIENT SERVICES, INC.,

Defendants.

**ORDER GRANTING PLAINTIFF'S CIVIL L.R. 7(H) EXPEDITED NON-
DISPOSITIVE MOTION FOR LEAVE TO FILE AMENDED COMPLAINT AND
DISMISS CLIENT SERVICES, INC. WITHOUT PREJUDICE (DKT. NO. 18)**

On October 8, 2018, the plaintiff filed a motion under Civil Local Rule 7(h) of the Local Rules for the Eastern District of Wisconsin, seeking the court's leave to amend the complaint and to dismiss one of the defendants, Client Services, Inc., without prejudice. Dkt. No. 18. As to the portion of the motion that sought leave to amend the complaint, the plaintiff stated that she was making the request "as a courtesy," given that she'd sought leave to amend within the twenty-one days from service specified by Federal Rule of Civil Procedure 15(a)(1)(B). Id. at 2.

Under Rule 15(a)(1)(B), a plaintiff may amend her pleading "as a matter of course" within twenty-one days of the service of a responsive pleading or motion to dismiss under Fed. R. Civ. P. 12(b). Defendant Client Services Inc. filed a motion to dismiss on September 21, 2018 and defendant MRS BPO LLC


filed its answer on September 24, 2018. Thus, the plaintiff sought leave to amend seventeen days after the motion to dismiss and fourteen days after the answer. She amended within the time allowed by Fed. R. Civ. P. 15(a)(1)(B). That means she did not need to seek this court's leave to amend—as a courtesy or otherwise.

The court **GRANTS** the plaintiff's Civil L.R. 7(h) expedited, non-dispositive motion for leave to file an amended complaint. Dkt. No. 18.

The court **ORDERS** that defendant Client Services, Inc., is **DISMISSED WITHOUT PREJUDICE** with each party to bear its own costs.

Dated in Milwaukee, Wisconsin this 3rd day of December, 2018.

BY THE COURT:


HON. PAMELA PEPPER
United States District Judge